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NODIS

FOLLOWING REPEAT HELSINKI 1387 ACTION SECSTATE MAY 06.

QUOTE: S E C R E T HELSINKI 1387

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DEPARTMENT PASS: SECRETARY OF STATE - IMMEDIATE

ACDA DIRECTOR WANKE - IMMEDIATE

AMERICAN EMBASSY, MOSCOW - IMMEDIATE

SECRETARY OF DEFENSE - IMMEDIATE

JOINT CHIEFS OF STAFF - IMMEDIATE

E.O. 11652: GDS

TAGS: PARM PCAT UR US

SUBJECT: US/SOVIET CAT: MAY 5 PLENARY

1. MENDELEVICH'S PRESENTATION TO BEGIN THE MAY 5 PLENARY
FOCUSSED ON THE ELABORATION OF THE SOVIET POLITICAL/LEGAL
PRINCIPLES, INCLUDING A WORKING PAPER ON CRITERIA TO GUIDE

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ARMS SUPPLIERS (TEXT FOLLOWS BELOW). HE SAID THAT THE US
AND SOVIETS BOTH HELD THE VIEW THAT RECIPIENTS HAD LEGAL
AND LEGITIMATE RIGHTS TO RECEIVE ARMS; THUS, SUPPLIERS HAD
A LEGITIMATE RIGHT TO SUPPLY ARMS. BOTH SIDES, MENDELEVICH
CONTINUED, SHARED THE VIEW THAT IT WAS NECESSARY TO SEARCH
FOR MEASURES TO LIMIT OR REDUCE ARMS SUPPLIES. THE PROBLEM
WAS HOW TO RECONCILE THESE CONTRADICTORY VIEWS.

2. MENDELEVICH SAID IT COULD NOT BE RECONCILED BY THE
MILITARY/TECHNICAL APPROACH ALONE BUT MUST ALSO INCLUDE

THE POLITICAL/LEGAL SPHERE. IF AGREEMENT COULD BE REACHED HERE, APPROPRIATE MILITARY/TECHNICAL CRITERIA AND PARAMETERS SHOULD BE CREATED.

3. MENDELEVICH NEXT TURNED TO THE WORKING PAPER WHICH INDICATED ARMS TRANSFERS ARE LAWFUL WHEN CARRIED OUT FOR THE PURPOSE OF:

- INDIVIDUAL OR COLLECTIVE SELF-DEFENSE UNDER ARTICLE 51 OF THE UN CHARTER;
 - HELPING STATES RESIST AGGRESSION; AND
 - ASSISTING NATIONAL LIBERATION MOVEMENTS IN THE STRUGGLES AGAINST COLONIALISM AND RACISM.
- FURTHER, ARMS TRANSFERS ARE UNLAWFUL TO:
- STATES AGAINST WHICH SANCTIONS HAVE BEEN ESTABLISHED BY THE SECURITY COUNCIL IN ACCORDANCE WITH CHAPTER VII OF THE UN CHARTER;
 - VIOLATORS OF THE UN DEFINITION OF AGGRESSION;
 - STATES MAKING TERRITORIAL CLAIMS OR VIOLATING IN SOME MANNER THE INVOLABILITY OF FRONTIERS PRINCIPLE;
 - STATES WAGING COLONIAL WARS, PURSUING RACIST OR APARTHEID POLICIES, VIOLATING HUMAN RIGHTS, INCLUDING IN OCCUPIED TERRITORIES; AND
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- STATES REFUSING TO BECOME PARTIES TO DISARMAMENT AGREEMENTS.

THE LAST POINT IN THE SOVIET WORKING PAPER IS THE ARMS SALES FOR PROFIT-MAKING PURPOSES ARE INADMISSIBLE. MENDELEVICH EMBELLISHED THIS POINT BY SAYING THAT BEGINNING IN THE 19TH CENTURY, THOSE ENGAGED IN SUCH ACTIVITY WERE CALLED "MERCHANTS OF DEATH."

4. THE CRITERIA WOULD GUIDE STATES, MENDELEVICH CONTINUED, NOT IMPOSE LEGAL OBLIGATIONS. IT WOULD BE THE RESPONSIBILITY OF EACH STATE TO DECIDE WHETHER TO ABIDE BY THE GUIDING CRITERIA ALTHOUGH IT WAS DESIRABLE THAT EACH STATE DO SO.

5. MENDELEVICH RECITED A LIST OF UN DOCUMENTS TO WHICH BOTH THE US AND USSR SUBSCRIBED. THE SOVIET CRITERIA REFLECTED IDEAS ALREADY ACCEPTED. HE ARGUED THAT SUCH CRITERIA COULD:

- CREATE A FRAMEWORK FOR RECEIPTS TO ADDRESS SUPPLIERS;
- BE A BASIS FOR TURNING AWAY STATES WITH TERRITORIAL CLAIMS;
- ELIMINATE POLITICAL ARGUMENTS ABOUT SUPPLIER INTENTIONS;
- ELIMINATE COMMERCIAL COMPETITION AMONG SUPPLIERS; AND

- REDUCE MEG VOLUME AND ROLE OF ARMS TRANSFERS AS ONE SOURCE OF REGIONAL INSTABILITY AND TENSION.

6. MENDELEVICH CONCLUDED BY POINTING OUT THE SOVIET APPROACH WAS HISTORICALLY JUSTIFIED, WOULD CONTRIBUTE TO BETTER INTERNATIONAL RELATIONS BETWEEN ALL STATES AND NEIGHBORS IN PARTICULAR, AND WOULD ENHANCE MUTUAL TRUST BETWEEN THE US AND USSR. MENDELEVICH EMPHASIZED THE WORKING PAPER WAS A DRAFT AND THE SOVIETS WERE READY TO WORK WITH US TO IMPROVE IT. HOWEVER, HE IN-

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DICATED IT WOULD NOT BE POSSIBLE TO ACHIEVE A FAR-REACHING AGREEMENT UNLESS THE SIDES REACHED AGREEMENT AT THIS OR SUBSEQUENT ROUNDS ON CRITERIA LIKE THESE.

7. GELB RESPONDED BY NOTING THAT THE US HAD SOME DIFFERENCES WITH THE USSR APPROACH AND WOULD RESPOND TO IT MORE FULLY IN THE 3RD PLENARY SESSION AFTER WE HAD HAD AN OPPORTUNITY TO STUDY THE SOVIET'S WORKING PAPER CLOSELY. HE THEN PROCEEDED TO DELIVER PREPARED REMARKS ON THE FOLLOWING TOPICS:

8. AREAS OF AGREEMENT. THE US AND USSR APPEAR TO AGREE THAT

- IT IS TIME TO MOVE FROM THE PRESENT STAGE OF CONSULTATIONS TO THAT OF REGULAR NEGOTIATIONS;
- WE NEED TO INVOLVE OTHER MAJOR SUPPLIERS IN THE RESTRAINT PROCESS;
- THERE ARE SOCIAL AND ECONOMIC BURDENS WHICH ATTACH THEMSELVES TO RECIPIENTS OF CONVENTIONAL ARMS;
- ARMS TRANSFERS CAN BE DESTABILIZING;
- THE SUPPLIER'S CONTROL OVER THE ULTIMATE USE OF THE ARMS HE PROVIDES IS LIMITED;
- THE FRAMEWORK FOR RESTRAINT THAT WE DEVELOP MUST INCORPORATE BOTH PRINCIPLES AND PRACTICAL GUIDELINES IF IT IS TO BE EFFECTIVE.

9. AREAS NEEDING CLARIFICATION. THE US IS UNCLEAR AS TO SOVIET ATTITUDE TOWARD

- THE DIRECT INVOLVEMENT OF RECIPIENT STATES IN THE PROCESS; AND
- THE ADOPTION OF A REGIONAL OR SUB-REGIONSL APPROACH TO CAT RESTRAINT.

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10. LEGAL CRITERIA (PRINCIPLES) GOVERNING US ARMS

TRANSFERS.

THE FOLLOWING US LEGISLATION WAS CITED AS CONFIRMATION THAT THE US ALSO ADHERES TO LEGAL PRINCIPLES IN MAKING ARMS TRANSFER DECISIONS: ARMS EXPORT CONTROL ACT (AECA), SEC 4 (PURPOSES); AECA, SEC 3 (F) (TERRORISM); FOREIGN ASSISTANCE ACT OF 1961, SEC 502 B(A) (3) (HUMAN RIGHTS); AECA, SEC 1 (POLICY); AND UN PARTICIPATION ACT, SEC 5 (A) (PRESIDENTIAL AUTHORITY).

11. FRAMEWORK FOR REGIONAL APPROACH. THE US HAS COME TO THE CONCLUSION THAT PRINCIPLES AND GUIDELINES CAN ONLY BE IMPLEMENTED ON A REGIONAL BASIS. IT IS AT THIS LEVEL THAT DIFFERENCES IN DEGREE OF TENSIONS, PATTERNS OF ARMS TRANSFERS, AND US/USSR INVOLVEMENT MANIFEST THEMSELVES. THESE DIFFERENCES DICTATE THE TAILORING OF OUR APPROACH TO ARMS RESTRAINT TO MEET SPECIFIC REGIONAL CHARACTERISTICS.

12. IN RESPONDING TO GELB'S PRESENTATION, MENDELEVICH SAID THE SOVIETS WERE READY TO CONTINUE THESE CONSULTATIONS, CONVERTING THEM INTO NEGOTIATIONS WHEN THE TIME CAME, I.E., WHEN AN "OBJECTIVE" BASIS HAS BEEN ESTABLISHED. (SUCH A BASIS DID NOT PRESENTLY EXIST, ALTHOUGH IT WAS BEING FRAMED AND COMPLETED. IT WAS ALSO IMPORTANT THAT THE US FOLLOW POLITICAL/LEGAL CRITERIA. HE WAS NOT TALKING ABOUT THE 1972 BASIC PRINCIPLES. IT WAS OBVIOUS THAT THEY WERE THE BASIS FOR OUR RELATIONS AND WERE BEING REALIZED THROUGH JUST SUCH CONSULTATIONS AS THESE. HE THEN ASKED FOR THE US TO PROVIDE A SUMMARY OF ITS PRESENTATION ABOUT THE CORRESPONDING CRITERIA FOUND IN US LAW.

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13. MENDELEVICH REPEATED THE POINT MADE YESTERDAY THAT ALL MAJOR SUPPLIERS--EMPHASIZING MAJOR--MUS PARTICIPATE IN THE RESTRAINT EFFORT. PARTICIPATION OF MINOR SUPPLIERS WAS ALSO WELCOMED, OF COURSE. THE US AND USSR COULD NOT SOLVE THE PROBLEM ALONE, BUT ONE PRACTICAL PROBLEM WAS WHEN TO INVOLVE OTHER SUPPLIERS. THIS WAS NOT LIKELY IN THE NEXT ROUND, BUT BOTH SIDES SHOULD CONSIDER WHEN THIRD COUNTRIES MIGHT BE INVITED. A SITUATION MUST NOT ARISE WHERE THE US AND USSR DID EVERYTHING AND OTHER COUNTRIES WERE THEN RELUCTANT TO ACCEPT A FAIT ACCOMPLI. IN THIS CONNECTION, MENDELEVICH ALLUDED TO A "MAJOR SUPPLIER" WHICH MIGHT REACT IN SUCH A WAY. HOWEVER, THE SOVIETS HAD NOT SPECIFIC DETAILED SUGGESTION REGARDING WHEN TO INVITE OTHER SUPPLIERS.

14. TURNING TO A DISCUSSION OF HOW ARMS TRANSFERS MIGHT BE DESTABILIZING, MENDELEVICH SAID DESTABILIZATION WAS NOT ALWAYS A NEGATIVE PHENOMENON. "DESTABILIZATION" MEANS A CHANGE IN THE RELATION OF FORCES. WHETHER IT IS RIGHT OR WRONG DEPENDS UPON THE PARTICIPANTS AND THE PURPOSES. HE CITED TWO EXAMPLES: THE NAZI INVASION OF THE SOVIET UNION WHERE US SUPPLIES HELPED RIGHT THE BALANCE; AND THE SITUATION IN THE HORN WHERE SOVIET SUPPLIES OVERCAME SOMALI AGGRESSION. IN BOTH CASES, THERE WAS A CHANGE IN THE RELATION OF FORCES AND IT WAS FOR THE GOOD. THUS, THE CONCEPT OF DESTABILIZATION WAS RELATIVE AND NOT ABSOLUTE.

15. RETURNING TO A POINT MADE BY GELB YESTERDAY, MENDELEVICH AGREED IT WAS A COMMON VIEW THAT ARMS TRANSFERRED BECAME A POLICY TOOL OF THE RECIPIENT AND
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THAT IT WAS DIFFICULT FOR THE SUPPLIER TO CONTROL THE EMPLOYMENT OF SUCH ARMS, REFERRING, AS EXAMPLES, TO ISRAELI USE OF CLUSTER BOMBS IN SOUTHERN LEBANON WHICH OCCURRED CONTRARY TO US WISHES, AND TO THE INVASION OF ETHIOPIA BY SOMALIA, WHICH WAS CONTRARY TO SOVIET WISHES.

16. COMMENTING ON THE US REGIONAL APPROACH, MENDELEVICH SAID THE SOVIETS AGREED THAT DIFFERENT SITUATIONS OBTAINED IN DIFFERENT AREAS OF THE WORLD AND THE DEGREE OF US AND SOVIET INVOLVEMENT DIFFERED. AS AN EXAMPLE OF A CALM REGION, HE CITED US/CANADA WHILE THE MIDDLE EAST WAS QUITE A DIFFERENT REGION. MENDELEVICH CONCLUDED THAT THE CRITERIA SHOULD BE UNIVERSAL AND EQUALLY APPLICABLE TO ANY REGION OR COUNTRY.

17. MENDELEVICH THEN QUESTIONED WHY THE US ALWAYS SAID RESTRAINT COULD NOT APPLY TO OUR OR SOVIET ALLIES. HE ARGUED EVERYBODY SHOULD BE INCLUDED AND EVEN ALLIES SHOULD NOT BE PRIVILEGED IF THEY COMMITTED AGGRESSION. MENDELEVICH SAID A POLICY MUST APPEAR FAIR TO THIRD WORLD NATIONS TOO. HE URGED THAT DIFFERENT STANDARDS NOT BE INTRODUCED INTO THE INTERNATIONAL COMMUNITY WHERE THEY WOULD BE FOUND BOTH UNPOPULAR AND UNJUST.

18. MENDELEVICH THEN PRESENTED THE STANDARD SOVIET ARGUMENT THAT RESTRICTION OF ARMS TRANSFERS WOULD NOT ELIMINATE POLITICAL CONFLICTS AND THAT THE DRIVE OF STATES FOR ARMS WAS EXPLAINED BY SUCH CONFLICTS. HE SUGGESTED THAT HAD THERE BEEN UNIVERSAL CRITERIA, IT

WAS QUITE POSSIBLE THAT ARMS TRANSFERS TO THE MIDDLE EAST WOULD BE DIFFERENT. HE SAID THE REGIONAL APPROACH COULD NOT SUBSTITUTE FOR UNIVERSAL CRITERIA AND THAT GENERAL POLITICAL SETTLEMENTS WERE REQUIRED TO RESOLVE CONFLICTS. MENDELEVICH EMPHASIZED AGAIN THE "PRIN-

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CIPIED" BASIS OF SOVIET POLICY WHICH THE US TENDED TO INTERPRET AS PROPAGANDA.

19. TURNING TO SPECIFIC AREAS, MENDELEVICH SAID THAT AN OUTSTANDING EXAMPLE OF RESTRAINT IN LATIN AMERICA WAS US-SOVIET OBSERVANCE OF THE AGREEMENT SETTLING THE 1962 CRISIS IN THE "CARIBBEAN." WHILE DANGEROUS SITUATIONS STILL EXISTED IN LATIN AMERICA, IT WAS NOT NOW AN ARENA OF MILITARY CONFLICT.

20. GELB RESPONDED TO MENDELEVICH'S POINTS AS FOLLOWS: "WHAT YOU HAVE BEEN SAYING IS INCOMPREHENSIBLE TO ME ON THE BASIS OF YOUR LOGIC. I SHALL RESPOND TO THESE POINTS TOMORROW, MAKING QUITE DIFFERENT ARGUMENTS. BUT ALL OF THESE ARGUMENTS WILL ADD UP TO ONE THING: WE ACT DIFFERENTLY IN DIFFERENT SITUATION, AND WE MUST BE PRAGMATIC IN SEEKING SOLUTIONS.

21. "LET ME RESPOND TO YOU NOW IN THREE PARTS. FIRST, YOU SAID THAT THE SOVIETS STAND READY TO CONVERT THESE TALKS INTO NEGOTIATIONS WHEN THERE IS AN OBJECTIVE BASIS FOR IT. I SUBMIT THAT THIS BASIS ALREADY EXISTS.

1) THE NEED IS THERE, THE CRISES ARE THERE, THE POTENTIAL FOR CONFLICTS IS THERE. YOU HAVE SAID THE SAME YOURSELF. 2) THE PURPOSE IS THERE; YOU AND WE HAVE BOTH AGREED THAT WE SHOULD RESTRAIN OURSELVES. WHEN ANY ARMS CONTROL NEGOTIATION BEGINS, IT STARTS ON THE BASIS OF THESE TWO ELEMENTS. I BELIEVE IT IS TRADITIONAL BETWEEN OUR TWO COUNTRIES THAT WHEN WE HAVE ESTABLISHED THE NEED AND THE PURPOSE, NEGOTIATIONS BEGIN. I ASK YOU TO ADDRESS YOURSELF TOMORROW TO WHAT IT IS THAT PREVENTS THIS. WE NEED TO GET DOWN TO BUSINESS. WHAT WOULD BE A BETTER SIGNAL OF OUR

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INTENTION TO DO THIS THAN TO MOVE INTO A NEGOTIATION?

22. "SECOND, YOU SAID WE NEED TO INVOLVE OTHER MAJOR SUPPLIERS. HERE I COMPLETELY AGREE. I FURTHER AGREE THAT IT IS PROBABLY ADVISABLE TO INVITE THEM SOON AFTER THE NEXT ROUND. OTHERWISE THEY WILL SEE WHAT WE

ARE DOING AS AN IMPOSITION ON THEM. WE SHOULD TALK FURTHER ABOUT THE MODALITIES OF DOING THIS.

23 "THIRD, WHERE I BEGIN TO HAVE A SERIOUS PROBLEM IS IN YOUR DISCUSSION OF DESTABILIZING EFFECTS. I CAN'T FOLLOW YOUR TRAIN OF LOGIC, AND I CAN ASSURE YOU THAT MY CONFUSION IS NOT DUE TO INATTENTION. YOU SAID THAT DESTABILIZATION IS NOT ALWAYS BAD; THAT IT DEPENDS ON WHO IS BEING SUPPLIED AND FOR WHAT PURPOSE. THAT IS EXACTLY OUR POINT. WE ARE ALSO FOR CHANGE--TO A GOOD AND JUST PURPOSE. WHAT WE ARE CONCERNED ABOUT IS CAPRICIOUS CHANGE. CHANGE THAT HAS A SERIOUS EFFECT ON INTERNATIONAL PEACE AND US-SOVIET RELATIONS. THIS ALL DEPENDS ON THE SITUATION. IN THIS CONTEXT, ARMS TRANSFERS ARE DESTABILIZING THEN THEY CONTRIBUTE TO THE LIKELIHOOD OF WAR AND CONFRONTATION BETWEEN OUR TWO COUNTRIES. IN THE TWO CASES OF DESTABILIZATION THAT YOU CITED, ALTHOUGH YOU IMPOSED DISAGREEMENTS, WE COMPLETELY AGREE. THESE ARE CASES WHERE DESTABILIZATION AND INSTABILITY HELPED TO CAUSE WAR. YOU CITED UNPROVOKED GERMAN ATTACK ON SOVIET SOIL. THIS WAS AN UNSTABLE SITUATION. IF TOOK YOUR COUNTRY TIME TO BUILD STRENGTH.

24. "THEN YOU CITED THE SITUATION IN THE HORN. YOU SAID SOMALIA WAS IN A POSITION TO ATTACK ITS NEIGHBOR BECAUSE OF IMBALANCE. HOW DID THAT INSTABILITY COME ABOUT IN THE FIRST PLACE? WHERE DID SOMALIA GET THE STRENGTH TO OVERPOWER ETHIOPIA? INDEED WHAT PRINCIPLE WAS INVOLVED? AT THE TIME OF SOVIET AID TO
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SOMALIA, SOMALIA HAD CLAIMS TO ETHIOPIAN TERRITORY. WHAT IS AT ISSUE IS NOT OUR DESIRE FOR INSTABILITY. THAT IS NOT IN THE INTEREST OF EITHER COUNTRY.

25. "WE BOTH FAVOR CHANGE AND CHANGE FOR THE BETTER. IT IS NOT CLEAR FROM OUR SIDE THAT CHANGE FOR THE BETTER IS CREATING MILITARY IMBALANCE, BECAUSE THOSE IMBALANCES HAVE SERIOUS REPERCUSSIONS FOR OUR RELATIONS AND WORLD SECURITY.

26. "YOU ALSO QUESTIONED THE US REGIONAL APPROACH. YOU SAID THAT THE BEST APPROACH WAS TO HAVE UNIVERSAL PRINCIPLES REGARDLESS OF THE SITUATION. IN THE FIRST PLACE, HOW IS THIS CONSISTENT WITH YOUR PREVIOUS STATEMENT THAT WHAT WE DO DEPENDS ON THE SITUATION? IS THAT UNIVERSALITY? ON WHAT PRINCIPLE DOES THE SOVIET UNION SUPPLY ARMS TO A COUNTRY LIKE LIBYA THAT IS KNOWN TO HARBOR TERRORISTS, A NATION BUILDING ARMS ALL OUT OF PROPORTION TO THE THREAT FACED? WHAT

IS THE PRINCIPLE? WE ARE PREPARED TO DISCUSS THIS NOTION OF UNIVERSALLY-APPLIED PRINCIPLES. I DON'T WANT TO DISMISS ANTHING OUT OF HAND.

27. "THEN YOU ASKED WHY THE US SHOULD PROPOSE EXEMPTING ALLIES FROM RESTRAINT. WHAT SHOULDN'T ALLIES BE TREATED LIKE EVERYONE ELSE? IF AN ALLY COMMITS AGGRESSION, SHOULD WE SUPPORT IT? OF COURSE NOT. BUT AS A PRACTICAL MATTER, BOTH OF US TREAT ALLIES DIFFERENTLY. THAT'S WHY THEY ARE ALLIES. WE SELL CERTAIN WEAPONS TO ALLIES THAT DON'T GO TO OTHERS. SO DOES THE SOVIET UNION. WE AREN'T ARGUING THAT ALLIES SHOULD BE EXEMPT FROM RULES OF LAW. BUT WE ARE SAYING THAT IN THESE CIRCUMSTANCES WE TREAT THEM DIFFERENT IN TERMS OF MIL-

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ITARY SUPPLY. IT'S A FACT.

28. "YOU SAID THE SOVIET SIDE SEEKS A POLITICAL SOLUTION TO REGIONAL PROBLEMS. WE DO TOO. THESE ARE POLITICAL DISPUTES THAT MUST BE RESOLVED IN THE END THROUGH POLITICAL MEANS. BUT I CAN'T ACCEPT YOUR CONCLUSION THAT THERE IS NOTHING WE CAN DO ABOUT RESTRAINING ARMS TRANSFERS A) TO FACILITATE POLITICAL SOLUTIONS AND B) TO AVOID US-SOVIET CONFRONTATION. THAT IS WHAT THE PRINCIPLES OF 1972 ARE ALL ABOUT.

29. "YOU SAID IN THIS REGARD THAT COUNTRIES STRIVE TO GAIN MORE ARMS BECAUSE THEY ARE ENGAGED IN POLITICAL CONFLICT. YOU ARE RIGHT. BUT THAT DOES NOT ABSOLVE US, AS SUPPLIERS, FROM RESPONSIBILITY. THERE IS SUCH A THING AS EXCESSIVE SUPPLY. MORE THAN A RECIPIENT NEEDS TO MEET THE THREAT. AND I WOULD SUBMIT THAT THIS IS A LEGITIMATE QUESTION FOR SUPPLIERS--WHETHER OR NOT THE CAUSE IS JUST. DECISIONMAKERS ALWAYS HAVE TO DEAL WITH THE QUESTION OF PROPORTIONALITY. THERE ARE ARMS THAT ARE NECESSARY FOR SELF-DEFENSE AND ARMS THAT GO BEYOND THAT.

30. "IN CONCLUSION, YOU SAID THAT THE SOVIET SIDE BELIEVES THAT THE REGIONAL APPROACH CANNOT BE PUT IN PLACE OF THE UNIVERSAL APPROACH. WE ARE NOT SAYING IT CAN BE PUT IN ITSPLACE, BUT THAT THE REGIONAL APPROACH PROVIDES THE PRACTICAL EXAMPLE, FROM WHICH UNIVERSAL PRINCIPLES ARE DERIVED. WE DON'T SAY THE OPPOSITE OF PRINCIPLED IS UNPRINCIPLED. WE SEEK TO BRING PRINCIPLES INTO HARMONY WITH THE REGIONAL APPROACH. I WOULD SAY THAT AN APPROACH THAT SOUGHT TO APPLY ONLY UNIVERSAL PRINCIPLES WOULD RESULT IN ENDLESS SELF-CONTRADICTION. IT WOULD LEAD US TO ARGUE OVER WORDS AND TO ENDLESS AND FRUITLESS DEBATE. I WE WANT TO AGREE ON

ACTION.

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31. "YOU SAID THAT THE SOVIET SIDE DOES NOT BELIEVE THAT RESTRAINT OF ARMS TRANSFERS CAN HELP SETTLE REGIONAL CONFLICTS. I DON'T KNOW HOW YOU CAN DRAW THAT CONCLUSION. WHY ELSE DID YOU AGREE YESTERDAY AND TODAY TO TALK ABOUT THIS ISSUE?

32. "YOU MENTIONED THE EXAMPLE OF TRANQUILITY BETWEEN THE UNITED STATE AND CANADA. I CAN CITE ANOTHER INTERESTING CASE -- THAT OF ANTARCTICA. THERE HAVE BEEN MANY TERRITORIAL CLAIMS TO VARIOUS PARTS OF ANTARCTICA, BUT THERE IS NO ARMS RACE THERE. THE REASON FOR THIS IS THAT A TREATY EXISTS ON ANTARCTICA. IT WAS POSSIBLE TO CONCLUDE THE TREATY BECAUSE THE PARTIES RECOGNIZED THAT ONE CAN SETTLE ON AN ARMS ELEMENT IN ORDER TO DEAL WITH THAT SITUATION.

33. "WE NOW COME TO THE ESSENCE OF WHAT ARMS CONTROL IS. IT IS TO JOINTLY FIGURE OUT HOW TO ABSTRACT THE ARMS COMPETITION ELEMENT FROM THE POLITICAL EQUATION. IN OTHER WORDS, HOW TO RESTRAIN ARMS TO AVOID POLITICAL CONFRONTATION."

34. MENDELEVICH CONCLUDED BY GIVING SOME GENERAL COMMENTS ON THE QUESTIONS THAT HAD BEEN TOUCHED UPON TODAY. HE SAID THAT WE ARE FEELING OUR WAY. AT THE BEGINNING OF ANY CONTACTS ON QUESTIONS OF ARMS CONTROL IT IS NECESSARY TO FIND OUT THE VIEWS HELD BY EACH OF THE COUNTRIES. IN ANSWER TO GELB'S FIRST QUESTION -- I.E. THE DIFFERENCE BETWEEN CONSULTATIONS AND NEGOTIATIONS. -- MENDELEVICH SAID THAT WE FIRST HAVE TO FIND A SEED WHICH WE CAN THEN PLANT. ONCE WE HAVE FOUND THE SEED, THEN WHAT HAPPENS AFTER THAT CAN BE CALLED NEGOTIATIONS. THIS

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ROUND OF CONSULTATIONS WILL BRING US CLOSER TO THE NEGOTIATIONS. BUT THESE ARE JUST ARBITRARY NAMES. THESE ARE JUST THE WORDS WE USE.

35. THE SECOND POINT WAS THE QUESTION OF DESTABILIZATION. THE TWO SIDES HAVE A SIMILAR UNDERSTANDING OF THIS QUESTION, HE SAID. MENDELEVICH HAD TWO SHORT COMMENTS ON THIS POINT. THE FIRST REFERRED TO THE QUESTION OF WHETHER TRANSFER OF ARMS LED TO DESTABILIZATION BY ITSELF. THE SOVIET SIDE CONNECTS DESTABILIZATION WITH ARMS GETTING INTO THE HAND OF AN AGGRESSOR. IN THIS REGARD, THE SUPPLYING OF ARMS TO

ETHIOPIA CHANGED THE RELATIONSHIP OF FORCES IN A POSITIVE WAY. THE SECOND COMMENT WAS THAT THERE COULD BE A POSITIVE ELEMENT IN IMBALANCE. THIS WAS TRUE WITH REGARD TO ETHIOPIA. BUT HOW CAN WE CONNECT THIS WITH GREAT US SUPPLY OF ARMS TO IRAN? AN IMBALANCE ARISES THERE AS A RESULT OF THIS TRANSFER ALTHOUGH IRAN IS NOT THREATENED BY ANYONE, NOR DOES ANYONE HAVE ANY TERRITORIAL CLAIMS AGAINST IT.

36. WITH REGARD TO ARMS TRANSFERS TO ALLIES, MENDELEVICH SAID THAT GELB WAS RIGHT IN THAT ALLIES ARE A SPECIAL CASE, BUT THIS DOES NOT CONTRADICT THE FACT THAT GENERAL POLITICAL AND LEGUL PRINCIPLES SHOULD APPLY TO EVERYONE.

37. MENDELEVICH SAID THAT THE MAIN THING WAS THAT THE FOLLOWING CONCLUSION COULD BE DRAWN FROM TODAY'S MEETING: (1) SOVIET SIDE SUPPORTED UNIVERSAL PRINCIPLES AND THE US SIDE DID NOT REJECT SUCH A COMCEPT; (2) THE US SIDE SUPPORTED A REGIONAL APPROACH AND THE SOVIET SIDE DID NOT REJECT THIS. BUT IT IS STILL NOT CLEAR HOW THESE TWO APPROACHES CAN BE JOINED. IT IS VERY IMPORTANT THAT WE STUDY VERY CAREFULLY THE SOVIET PROPOSAL ON CRITERIA. THIS DISCUSSION SHOULD BE PRODUCTIVE AND NOT STERILE, AND THAT THE RESULTS SHOULD BE WORDS, BUT WORDS ARE VERY IMPORTANT. FOR EXAMPLE, THE WORDS CONTAINED IN THE DECLARATION OF BASIC
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PRINCIPLES OF 1972 ARE VERY IMPORTANT. BUT THIS DOES NOT EXHAUST WHAT WE SHOULD DO. THE SOVIET SIDE SHOULD ALSO STUDY VERY CAREFULLY THE US REGIONAL APPROACH. WHEN THE US SIDE PRESENTS ITS REGIONAL APPROACH IN GREATER DETAIL, AND THE SOVIET SIDE PRESENTS ITS UNIVERSAL APPROACH IN GREATER DETAIL, THEN THE SEED CAN BE FOUND FROM THESE TWO ELEMENTS.

COMMENT: -- THE SOVIET CRITERIA OUTLINED BY MENDELEVICH WOULD MEET ALL BASIC POLITICAL AND IDEOLOGICAL GOALS OF THE USSR. THEY WOULD NOT ONLY SAFEGUARD THESE GOALS AND PERMIT THEIR CONTINUED PURSUIT, BUT WOULD "CODIFY" CONDUCT WHICH IS COMPLETELY UNACCEPTABLE TO THE US AND THE WEST. IN THIS SENSE, THE POLITICAL/LEGAL CRITERIA SET FORTH BY MENDELEVICH REPRESENTS A MAXIMUM "WISH-LIST." BY PUTTING DOWN THIS MARKER, THE SOVIETS HAVE MAXIMIZED THEIR INITIAL NEGOTIATING POSITIONS -- AS THEY HAVE IN PAST NEGOTIATIONS -- AND THEY EXPECT US TO WHITTLE AWAY AT THEM. BUT THERE IS A GREAT DEAL OF WHITTLLING TO BE DONE, AND WE ARE FAR FROM BEING ABLE TO FIND AN AGREED COMPROMISE.

38. MENDELEVICH MADE SPECIFIC REFERENCE TO THE NEED IN THIS OR THE NEXT ROUND FOR REACHING AGREEMENT ON COMMON CRITERIA. HE SPECIFICALLY NOTED THAT PROGRESS IS NOT POSSIBLE WITHOUT SUCH AGREEMENT.

39. OUR GRAATEST DIFFERENCES COME IN THE FIVE CRITERIA WHICH THE SOVIETS APPLIED TO STATES WHICH ARE CONSIDERED NOT DESERVING OF RECEIVING ARMS, SPECIFICALLY THE THIRD AND FOURTH CRITERIA. THE SOVIETS APPEAR TO BE AIMING AT ISRAEL, SOMALIA AND PERHAPS CHINA IN THE THIRD CRITERION, WITH SOUTH AFRICA, RHODESIA AND ISTAEL AGAIN LIKELY TARGETS OF THE FOURTH POINT.

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40. THE FIFTH SOVIET CRITERION IS CLEARLY AIMED AT CHINA AND PERHAPS FRANCE, SINCE BOTH STATES ARE RELUCTANT ARMS CONTROL DRAGONS.

41. THE SOVIET PROPOSAL TO BAN ARMS TRANSFERS BASED ON COMMERCIAL PROFIT IS PROBABLY A "THROW-AWAY," SINCE IT WOULD HAVE THE RIDICULOUS AFFECT OF LEAVING THE USSR LARGELY AS THE ONLY WORLD ARMS SUPPLIER. END COMMENT.

BEGIN TEXT SOVIET WORKING PAPER ON CRITERIA

IT IS SUGGESTED TO COME TO AGREEMENT THAT IN SELLING OR SUPPLYING CONVENTIONAL ARMS THE SUPPLYING STATES SHOULD BE GUIDED BY AGREED CRITERIA BASED ON THE GENERALLY RECOGNIZED PRINCIPLES AND NORMS OF INTERSTATE RELATIONS AND CONSONANT WITH THE INTEREST OF STRENGTHENING PEACE. SUCH CRITERIA COULD BE DEFINED AS FOLLOWS.

I. SALES AND SUPPLIES OF ARMS ARE LAWFUL WHEN CARRIED OUT FOR THE PURPOSE OF:

- EXERCISING THE RIGHT OF STATES TO INDIVIDUAL OR COLLECTIVE SELF-DEFENCE IN ACCORDANCE WITH ARTICLE 51 OF THE UN CHARTER;
- RENDERING THE NECESSARY SUPPORT TO A STATE SUBJECTED TO AGRESSION OF FIGHTING TO ELIMINATE THE CONSEQUENCES OF AGRESSION;
- RENDERING, IN ACCORDANCE WITH THE RELEVANT DECISIONS OF THE UNITED NATIONS, MATERIAL SUPPORT AND ASSISTANCE TO NATIONAL LIBERATION MOVEMENTS AND ORGANIZATIONS IN THEIR STRUGGLE AGAINST COLONIAL AND RACIST OPPRESSION.

II. UNLAWFUL, NOT CONSONANT WITH THE INTERESTS OF STRENGTHENING PEACE ARE SUPPLIES AND SALES OF ARMS TO:

- A STATE AGAINST WHICH THE SECURITY COUNCIL TAKES PREVENTIVE OR ENFORCEMENT MEASURES (SANCTIONS) IN ACCORDANCE WITH CHAPTER VII OF THE UN CHARTER;
- A STATE WHICH COMMITS ACTIONS QUALIFIED BY THE UN

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DEFINITION OF AGRESSION AS ACTS OF AGRESSION;

- A STATE WHICH MAKES TERRITORIAL CLAIMS WITH REGARD TO OTHER STATES OR IN SOME OTHER MANNER VIOLATES THE PRINCIPLE OF INVIOABILITY OF FRONTIERS;
- A STATE WHICH WAGES COLONIAL WARS OR PURSUES THE POLICY OF RACISM AND APARTHEID, VIOLATES ON A BROAD SCALE AND SYSTEMATICALLY HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ALSO IN OCCUPIED TERRITORIES), THUS ENDANGERING INTERNATIONAL PEACE AND SECURITY;
- A STATE WHICH SYSTEMATICALLY REFUSES TO BE PARTY TO INTERNATIONAL AGREEMENTS AIMED AT THE CESSATION OF THE ARMS RACE AND AT DISARMAMENT COMPLICATING THEREBY THE SOLUTION OF THIS CARDINAL TASK.

III. INADMISSIBLE ARE SALES AND SUPPLIES OF ARMS FOR PROFIT-MAKING PURPOSES.

END TEXT. RIDGWAY

UNQUOTE VANCE

SECRET

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: Z
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Channel Indicators: n/a
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